UNITED STATES DISTRICT COURT FOR THE DISTRICT OF VERMONT

JOSHUA J. MUHAMMAD, : Plaintiff, :

:

v. : File No. 1:05-CV-146

:

STEVEN GOLD, SUE BLAIR, CLUS DUBOIS, DAVID TURNER,

ANTHONY COTOV, JUDITH JACKSON, :
RUBEN TORRES, NEW YORK STATE :

DEPARTMENT OF CORRECTIONS

AND PAROLE DIVISION,

VERMONT STATE DEPARTMENT OF CORRECTIONS.

Defendants.

ORDER

The Magistrate Judge's Report and Recommendation (R&R) was filed March 25, 2006 (Paper 36). The Court has reviewed the R&R and plaintiff Joshua Muhammad's objections (Paper 37), and has considered <u>de novo</u> those portions of the R&R to which objections pertain. See Fed. R. Civ. P. 72(b); 28 U.S.C. § 636(b)(1)(C).

After <u>de novo</u> review, the Report and Recommendation is AFFIRMED,

APPROVED and ADOPTED. <u>See</u> 28 U.S.C. § 636(b)(1). The motion for summary

judgment filed by the New York State Department of Correctional Services, New York

State Division of Parole, Anthony Cotov, Judith Jackson, and Ruben Torres (Paper 26)

is GRANTED. Muhammad's claims against individual defendants Cotov, Jackson, and

Torres are barred by qualified immunity and therefore are DISMISSED. Additionally,

Muhammad's damages claims against the two New York State agencies, as well as

defendants Cotov, Jackson, and Torres in their official capacities, are barred by sovereign immunity and therefore are DISMISSED.

The matter is hereby returned to the Magistrate Judge for further proceedings. SO ORDERED.

Dated at Brattleboro, in the District of Vermont, this 24th day of May, 2006.

/s/ J. Garvan Murtha
J. Garvan Murtha
United States District Judge